

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 92-96

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIAL DISTRICT NO. 1
WET WEATHER OVERFLOW FACILITIES
ALAMEDA AND CONTRA COSTA COUNTIES

REVISING AN ORDER REQUIRING THE ABOVE DISCHARGER TO CEASE AND DESIST DISCHARGING WASTE FROM ITS INTERCEPTOR SYSTEM CONTRARY TO THE REQUIREMENTS PRESCRIBED IN ORDER NO. 92-97, AN NPDES PERMIT, AND CONTRARY TO THE REQUIREMENTS OF THE SAN FRANCISCO BAY BASIN PLAN AND THE PORTER-COLOGNE WATER QUALITY CONTROL ACT

The California Regional Water Quality Control Board, San Francisco Bay Region (the Board) finds that:

1. On March 18, 1987, the Board adopted Order No. 87-19 requiring East Bay Municipal Utility District, Special District No. 1 (the discharger) to cease and desist discharging waste from its interceptor system contrary to the requirements prescribed in Order No. 87-18 (NPDES Permit No. CA0038440) and contrary to the requirements of the San Francisco Bay Basin Plan and the Porter-Cologne Water Quality Control Act.
2. On August 19, 1992, the Board adopted Order No. 92-97 (NPDES Permit No. CA0038440) revising requirements for the discharge of waste from the discharger's interceptor system. This order supersedes and rescinds previously prescribed requirements for this discharge in Order 87-18.
3. The discharger currently discharges dilute sewage from seven overflow structures that are part of its interceptor system, and treated and disinfected sewage from the Oakport wet-weather treatment facility. Discharges occur intermittently as a result of infiltration/inflow to the sanitary sewer system during winter storm events. The seven locations are : Point Isabel, Cerrito Creek, Temescal Creek, Oakland Inner Harbor (Alice Street), Oakland Inner Harbor (Webster Street), Elmhurst Creek, and San Leandro Creek (see attachment 1). During an average winter, overflows occur 10 times and result in a discharge of about 180 million gallons, most of this at the two ends of the interceptor (Point Isabel and San Leandro Bay). The overflows discharge to streams tributary to Central San Francisco Bay or to the Bay shoreline.

4. The existing overflows have high concentrations of coliform bacteria. Receiving water objectives for water-contact recreation and shellfishing are routinely exceeded during wet weather in the vicinity of the overflows, due to both overflows and urban runoff. Significant shellfish beds exist at Point Isabel and along much of the San Leandro Bay shoreline. Water-contact recreation takes place along the entire East Bay shoreline, and is especially prevalent at Point Isabel, the Berkeley and Emeryville marinas, Emeryville Crescent, and San Leandro Bay.
5. The discharger is currently violating the following provisions of its NPDES permit, cited above:
 - o Discharge Prohibition 2 (all discharges to receive treatment)
 - o Effluent Limitation 3 (total coliform limitation)
 - o Receiving Water Limitation 1 (discharge shall not cause floating material of sewage origin and other receiving water conditions)
 - o Provision 4 (comply with Standard Provisions, Dec. 1986, which states that discharge shall not cause nuisance, defined in the California Water Code to include any condition which is injurious to health)
6. The discharger is also violating the following Basin Plan prohibitions: (a) discharges which do not receive a minimum initial dilution of 10:1, (b) discharges into deadend sloughs or confined waters, and (c) discharges of raw sewage to any waters of the Basin (see Chapter 4 of Basin Plan). In Order No. 92-97, the Board gave the discharger an exception to the 10:1 initial dilution prohibition for the proposed discharge of treated waste from the Oakport and the Point Isabel wet weather facilities.
7. The discharger proposes improvements to reduce and treat wet-weather overflows from the interceptor system. The proposed project would increase the interceptor's hydraulic capacity, eliminate the existing overflows of untreated sewage, and construct new wet-weather treatment units at four locations: Point Isabel, Oakland Inner Harbor (San Antonio Creek and Coast Guard Island), and San Leandro Bay (Oakport). These facilities would remove floatable material and disinfect waste prior to discharge.
8. The discharger, by increasing the peak flow capacity of its interceptor system, will help the seven communities served by the interceptor to eliminate wet-weather overflows from their respective sanitary sewers. Currently, some sanitary

sewers are surcharged during peak flow events, due to capacity limitations in the interceptor. Without additional interceptor capacity, some community sewer overflows would continue, even after completion of the communities' 20-year sewer rehabilitation program. Such overflows pose significant threats to public health and water quality, and are the subject of a Board enforcement order (Cease and Desist Order No. 86-17).

9. The discharger has started construction of the proposed improvements in phases and has completed several phases. The discharger favors phasing because of sequential construction requirements and the significant cost of improvements.
10. The discharger has obtained Clean Water Grant funding to help defray the estimated \$209 million cost of the proposed project. However, the discharger, as a special district created pursuant to California's Municipal Utility District Act, has the authority to set user rates to cover its costs, including capital improvements. The discharger has financing alternatives, including revenue bonds, that would allow it to complete proposed improvements in a timely fashion. Grant funding (or lack thereof) should not delay its schedule for completing the proposed project and complying with the NPDES permit requirements.
11. The discharger was required by Order No. 87-19 to complete the construction of: (a) Oakport wet-weather treatment plant by October 1, 1989, and (b) Interceptor extensions and main wastewater treatment plant improvements by October 1, 1993. The discharger was late in compliance with requirement (a) by 10 months, and is expected to be late in compliance with requirement (b) by 18 months. Reasons for the delay include bid protests following the original bid opening, CEQA process, and the delays in the grant funding process.
12. The discharger appears to be on schedule for full compliance with the October 1, 1993 deadline set forth in Order No. 87-19. However, four projects (San Antonio Creek Plant, Coast Guard Plant, North Interceptor Expansion, and Pump Stations B and C) will extend beyond the full compliance date. The discharger has intentionally delayed these projects because it does not expect any demand for the facilities before the scheduled completion dates. The facilities will be completed by the time when the communities have completed new relief sewers which will result in an increase of sewage flow into the discharger's interceptors during wet weather. This Order contains a compliance schedule for the tasks which are not completed to date. The discharger expects to be able to treat all the sewage entering its interceptors by October 1, 1993 and thus comply with the Order No. 87-19.

13. The California Water Code (Section 13301) authorizes the Regional Board to issue a Cease and Desist Order when it finds that a waste discharge is taking place or threatening to take place in violation of the Board's prescribed requirements.
14. This action is an order to enforce waste discharge requirements and Basin Plan prohibitions previously adopted by the Board. It is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
15. The discharger prepared a Draft Environmental Impact Report (July 28, 1986) and certified a Final Environmental Impact Report (September 23, 1986) for its proposed wet-weather facilities. Public hearings on the Draft EIR were held prior to the certification action. The Final EIR proposes various mitigation measures to address the project's impacts, most of which are short-term and related to project construction.
16. On August 19, 1992, at a meeting starting at 9:30 am in the second floor meeting room of the BART Headquarters Building, 800 Madison Street, Oakland, California, after due notice to the discharger and all other affected persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED:

- A. East Bay Municipal Utility District, Special District No. 1, shall cease and desist from discharging waste in a manner that injures or creates a hazard to public health, or that violates waste discharge requirements, in accordance with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
1. Main wastewater treatment plant expansion:	
a. Finish construction ¹	April 1993
2. Point Isabel wet-weather treatment facility:	
a. Finish construction ¹	July 1993

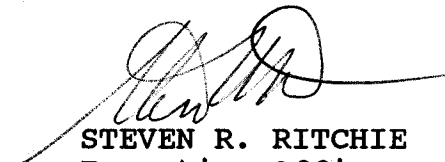
<u>Task</u>	<u>Compliance Date</u>
3. San Antonio Creek wet-weather treatment facility:	
a. Start construction ²	December 1992
b. Finish construction ¹	December 1994
c. Comply with effluent limitations	December 1994
4. North Interceptor wet-weather facilities:	
a. Start construction ²	August 1992
c. Finish construction ¹	December 1994
5. Coast Guard Island wet-weather treatment facility:	
a. Finish construction ¹	April 1998
d. Comply with effluent limitations	April 1998
6. Pump Station C:	
a. Finish construction ¹	March 1996
7. Pump Station B:	
a. Finish construction ¹	July 1996
8. Full compliance with NPDES permit	October 1, 1993
9. Submit semi-annual compliance summary report ³	November 1, 1992 and every six months there- after

Notes:

1. Submit a technical report to the Executive Officer documenting completion of construction.
2. Solicit construction bids.
3. The report shall discuss the status of all the proposed wet-weather projects.

B. This Board's Order No. 87-19 is hereby rescinded.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 19, 1992.



STEVEN R. RITCHIE
Executive Officer

Attachments:

1. Project map

